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10 Attorneys for Claimant  
Stephen Mitchell  
11

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 UNITED STATES OF AMERICA, )

16 Plaintiff, )

17 v. )

18 206 FIREARMS and 41,725 )  
19 ROUNDS OF AMMUNITION, )

20 Defendants. )  
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CASE NO: CV 09-9235 MMM (AGRx)

**NOTICE OF MOTION TO  
STRIKE AND MOTION FOR  
JUDGMENT ON THE PLEADINGS**

DATE: September 13, 2010  
TIME: 10:00 a.m.  
ROOM: 780

1 PLEASE TAKE NOTICE that this motion will be heard before Honorable  
2 Margaret M. Morrow on September 13, 2010. Claimant Stephen Mitchell, by  
3 counsel, hereby move to dismiss and strike the Counts I and II of the Complaint for  
4 insufficiency under the Supplemental Rules for Admiralty or Maritime Claims and  
5 Asset Forfeiture Actions, Rule G(2)(f) and E(2)(a). This motion seeks an order  
6 striking Counts I and II pursuant to Rules 12(e) and (f), Federal Rules of Civil  
7 Procedure, and judgment on the pleadings pursuant to Rule 12(c), Federal Rules of  
8 Civil Procedure.

9 A memorandum in support of this motion is attached hereto. This motion is  
10 made following the conference of counsel pursuant to L.R. 7-3, which took place  
11 on June 17, 2010.

12  
13 Dated: July 7, 2010

Respectfully submitted,  
DAVIS & ASSOCIATES

14  
15 /s/  
16 Jason A. Davis  
17 Jason@CalGunLawyers.com  
18 Attorneys for Claimant  
19 Stephen Mitchell  
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PROOF OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 27281 Las Ramblas, Suite 200 Mission Viejo, CA 92691.

I am not a party to the above-entitled action. I have caused service of:

**NOTICE OF MOTION TO STRIKE AND MOTION FOR JUDGMENT ON THE PLEADINGS**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Steven R Welk  
AUSA - Office of US Attorney  
Asset Forfeiture Division  
312 North Spring Street 14th Floor  
Los Angeles, CA 90012  
Email:  
USACAC.Criminal@usdoj.gov

Steven Dennis Lucas  
13554 Chesire St  
Victorville CA 92392  
**VIA US MAIL**

Pablo Perez  
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Steven Michael Luas  
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Hesperia CA 92345  
**VIA US MAIL**

Phillip Reef  
15252 Seneca Rd #282  
Victorville CA 92392-2275  
**VIA US MAIL**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 2010

/s/\_\_\_\_\_  
Jason A. Davis